

EXHIBIT 6

最高人民法院关于涉外民事或商事案件司法文书送达问题若干规定

Certain Provisions of the Supreme People's Court on Issues Concerning Service of Judicial Documents in Civil or Commercial Cases Involving Foreign Elements

颁布机关: 最高人民法院
Promulgating Institution: Supreme People's Court

文 号: 法释[2020]20号
Document Number: Fa Shi [2020] No. 20

颁布时间: 12/29/2020
Promulgating Date: 12/29/2020

实施时间: 01/01/2021
Effective Date: 01/01/2021

效力状态: 有效
Validity Status: Valid

（2006年7月17日最高人民法院审判委员会第1394次会议通过，根据2020年12月23日最高人民法院审判委员会第1823次会议通过的《最高人民法院关于修改〈最高人民法院关于人民法院民事调解工作若干问题的规定〉等十九件民事诉讼类司法解释的决定》修正）

(Adopted at the 1394th Session of the Judicial Committee of the Supreme People's Court on July 17, 2006; Promulgated on August 10, 2006; amended according to the Decision of the Supreme People's Court on Revising the "Provisions of the Supreme People's Court on Several Issues Concerning the Civil Mediation Work of the People's Courts" and Other 18 Civil Litigation Related Judicial Interpretations adopted at the 1823rd Meeting of the Judicial Committee of the Supreme People's Court on December 23, 2020)

为规范涉外民事或商事案件司法文书送达，根据《中华人民共和国民事诉讼法》（以下简称民事诉讼法）的规定，结合审判实践，制定本规定。

These Provisions are formulated in accordance with the Civil Procedure Law of the People's Republic of China (hereinafter referred to as the "Civil Procedure Law") and by combining the practice of trial of cases, for the purposes of regulating the service of judicial documents in civil or commercial cases involving foreign elements.

第一条 人民法院审理涉外民事或商事案件时，向在中华人民共和国领域内没有住所的受送达人送达司法文书，适用本规定。

Article 1 These Provisions shall be applicable to the service of judicial documents by people's courts, in trying civil or commercial cases involving foreign elements, on parties without a domicile within the territory of the People's Republic of China.

第二条 本规定所称司法文书，是指起诉状副本、上诉状副本、反诉状副本、答辩状副本、传票、判决书、调解书、裁定书、支付令、决定书、通知书、证明书、送达回证以及其他司法文书。

Article 2 For the purpose of these Provisions, judicial documents shall refer to the duplicate of complaints, duplicate of appeals, duplicate of counterclaims, duplicate of defense statements, summons,

written judgments, conciliation statements, rulings, payment orders, decisions, notices, letters of certificate, acknowledgements of service, and other judicial documents.

第三条 作为受送达人的自然人或者企业、其他组织的法定代表人、主要负责人在中华人民共和国领域内的，人民法院可以向该自然人或者法定代表人、主要负责人送达。

Article 3 Where the natural person, the legal representative, the principal person-in-charge of the enterprise or any other organization on which the service is made is within the territory of the People's Republic of China, the people's court can serve the documents on such natural person, the legal representative or the principal person-in-charge.

第四条 除受送达人在授权委托书中明确表明其诉讼代理人无权代为接收有关司法文书外，其委托的诉讼代理人为民事诉讼法第二百六十七条第（四）项规定的有权代其接受送达的诉讼代理人，人民法院可以向该诉讼代理人送达。

Article 4 Unless otherwise clearly indicated in the power of attorney by the person to be served that its agent ad litem has no right to receive judicial documents on its behalf, the agent ad litem entrusted by the person to be served shall be the agent ad litem who is entitled to receive judicial documents on behalf of the person to be served as specified in Item (4) of Article 267 of the Civil Procedure Law, and the people's court may serve judicial documents on the agent ad litem.

第五条 人民法院向受送达人送达司法文书，可以送达给其在中华人民共和国领域内设立的代表机构。

Article 5 When serving judicial documents on the person to be served, a people's court may serve on the representative organization s established by the person to be served within the territory of People's Republic of China.

受送达人在中华人民共和国领域内有分支机构或者业务代办人的，经该受送达人授权，人民法院可以向其分支机构或者业务代办人送达。

Where the person to be served has a branch office or business agent within the territory of the People's Republic of China, the people's court may, upon authorization of the person to be served, serve the judicial documents on the branch office or the business agent thereof.

第六条 人民法院向在中华人民共和国领域内没有住所的受送达人送达司法文书时，若该受送达人所在国与中华人民共和国签订有司法协助协定，可以依照司法协助协定规定的方式送达；若该受送达人所在国是《关于向国外送达民事或商事司法文书和司法外文书公约》的成员国，可以依照该公约规定的方式送达。

Article 6 In the event that the people's court serves a judicial document on a party having no domicile in the territory of the People's Republic of China, if the country of the party has concluded any judicial assistance agreement with the People's Republic of China, the judicial document may be served in accordance with the provisions of the judicial assistance agreement; if the country of the party is a member state of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, the judicial document may be served by the means specified therein.

依照受送达人所在国与中华人民共和国缔结或者共同参加的国际条约中规定的方式送达的，根据《最高人民法院关于依据国际公约和双边司法协助条约办理民商事案件司法文书送达和调查取证司法协助请求的规定》办理。

In a case that the judicial document is served by means stipulated in the international treaties concluded or jointly participated by the country where the party is located and the People's Republic of

China, the case shall be handled according to the Provisions of the Supreme People's Court on Handling Requests for Judicial Assistance in the Service of Judicial Documents, Investigation and Evidence Collection in Civil and Commercial Cases According to International Conventions and Bilateral Treaties on Judicial Assistance.

第七条 按照司法协助协定、《关于向国外送达民事或商事司法文书和司法外文书公约》或者外交途径送达司法文书，自我国有关机关将司法文书转递受送达人所在国有关机关之日起满六个月，如果未能收到送达与否的证明文件，且根据各种情况不足以认定已经送达的，视为不能用该种方式送达。

Article 7 In the event of serving a judicial document according to any judicial assistance agreement or the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, where no certifying document of the acknowledgement of service is received upon the expiration of six months from the date when the relevant authority of China forwards the judicial document to the relevant authority of the country where the person to be served is located, and the relevant facts are not sufficient to confirm the successful service, it shall be deemed that the document cannot be served in this way.

第八条 受送达人所在国允许邮寄送达的，人民法院可以邮寄送达。

Article 8 Where service by post is permitted in the country where the person to be served is located, the people's court may serve by post.

邮寄送达时应附有送达回证。受送达人未在送达回证上签收但在邮件回执上签收的，视为送达，签收日期为送达日期。

An acknowledgement of service shall be attached when serving by post. In the case that the person to be served does not sign on the acknowledgement of service but signs on the receipt of post, it shall be deemed that the judicial documents have been served, and the date of receipt signed by the person to be served shall be the date of service.

自邮寄之日起满三个月，如果未能收到送达与否的证明文件，且根据各种情况不足以认定已经送达的，视为不能用邮寄方式送达。

Where, upon the expiration of three months from the date of post, no certifying document is received on the acknowledgement of service, and the relevant facts are not sufficient to confirm the service is effected, it shall be deemed that the documents could not be served by post.

第九条 人民法院依照民事诉讼法第二百六十七条第（八）项规定的公告方式送达时，公告内容应在国内外公开发行的报刊上刊登。

Article 9 When the people's court serves the judicial document by way of public notice as specified in Item (8) of Article 267 of the Civil Procedure Law, the content of the notice shall be published in publications which are publicly circulated both at home and abroad.

第十条 除本规定上述送达方式外，人民法院可以通过传真、电子邮件等能够确认收悉的其他适当方式向受送达人送达。

Article 10 In addition to ways of service specified in Articles 3 to 9 of these Provisions, a people's court may serve the judicial documents in other appropriate ways by which receipt can be confirmed such as by fax or email.

第十一条 除公告送达方式外，人民法院可以同时采取多种方式向受送达人进行送达，但应根据最先实现送达的方式确定送达日期。

Article 11 In addition to the way of public notice, a people's court may serve the judicial documents on the person to be served in several ways simultaneously, while the date of receipt shall be determined by the way that first achieves the service .

第十二条 人民法院向受送达人在中华人民共和国领域内的法定代表人、主要负责人、诉讼代理人、代表机构以及有权接受送达的分支机构、业务代办人送达司法文书，可以适用留置送达的方式。

Article 12 When serving the judicial documents on the legal representative, principal person-in-charge, agent ad litem, representative organization of the person to be served, or the branch office or business agent thereof entitled to receive service, which is within the territory of the People's Republic of China, a people's court may serve the judicial documents by leaving them at the appropriate address.

第十三条 受送达人未对人民法院送达的司法文书履行签收手续，但存在以下情形之一的，视为送达：

Article 13 Where the person to be served fails to perform the procedure for signing the receipt of the judicial documents served by a people's court, the service shall still be deemed as having been achieved under any of the following circumstances:

（一）受送达人书面向人民法院提及了所送达司法文书的内容；

(1) The person to be served has mentioned to the people's court the content of the judicial documents which have been served in writing;

（二）受送达人已经按照所送达司法文书的内容履行；

(2) The person to be served has made performance pursuant to the content of the judicial documents which have been served; or

（三）其他可以视为已经送达的情形。

(3) Other circumstances in which the service can be deemed as having been achieved.

第十四条 人民法院送达司法文书，根据有关规定需要通过上级人民法院转递的，应附申请转递函。

Article 14 Where a people's court needs the people's court at a higher level to forward the judicial documents served thereby, an application form for forwarding shall be attached.

上级人民法院收到下级人民法院申请转递的司法文书，应在七个工作日内予以转递。

Where a people's court at a lower level applies to a people's court at a higher level to forward the judicial documents, the court at a higher level shall forward the documents within seven working days of receipt.

上级人民法院认为下级人民法院申请转递的司法文书不符合有关规定需要补正的，应在七个工作日内退回申请转递的人民法院。

Where the people's court at a higher level deems the judicial documents to be forwarded as requested by the people's court at a lower level do not comply with the relevant provisions and need to be supplemented or corrected, it shall, within seven working days, send the documents back to the people's court that applies for forwarding.

第十五条 人民法院送达司法文书，根据有关规定需要提供翻译件的，应由受理案件的人民法院委

托中华人民共和国领域内的翻译机构进行翻译。

Article 15 When a people's court serves the judicial documents, if it is necessary to provide a translated version thereof according to the relevant provisions, the people's court that accepts the case shall entrust a translation agency within the territory of the People's Republic of China to translate the documents.

翻译件不加盖人民法院印章，但应由翻译机构或翻译人员签名或盖章证明译文与原文一致。

The translated version shall not be affixed with the seal of the people's court, but shall be signed by the translator or the translation agency or affixed with the seal thereof to prove the consistency of the translated text with the original text.

第十六条 本规定自公布之日起施行。

Article 16 These Provisions shall become effective as of the date of promulgation.